

BURDEN OF PROOF STATEMENT

Owner/Applicant: S. Michele Swinson

Property Address: 1324 Kenyon Street, NW, Washington, DC

Square/Lot: Square 2848, Lot 0842

Zoning District: RF-1

BZA Case No.: FY-26-5-Z

Relief Requested:

- Special Exception relief pursuant to Subtitle E §§ 207.4 and 5201(b);
- Special Exception relief pursuant to Subtitle E §§ 204.1 and 204.4; and
- An Area Variance from Subtitle E § 210.1, evaluated under Subtitle X §§ 1000.1 and 1002.1.

I. INTRODUCTION

This Burden of Proof Statement is submitted in support of the Applicant's request for zoning relief identified in the Department of Buildings (DOB), Office of Zoning Administration Referral Memorandum dated January 14, 2026. The DOB determined that Board of Zoning Adjustment approval is required before permits may be issued due to existing dimensional conditions and a zoning reze determination affecting the property.

The subject application is curative in nature with respect to existing conditions affecting the property. Zoning relief is not sought to intensify development, increase use, or expand nonconformities, but rather to regularize long-standing, pre-existing conditions of an existing single-family row home and to permit limited exterior alterations following unauthorized third-party contractor actions that resulted in a zoning reze posture.

The Applicant seeks approval to:

- Allow the lawful continuation and repair of an existing residential structure;
- Address existing dimensional conditions that predate the current Zoning Regulations; and
- Permit a modest front architectural element consistent with the character of the existing structure and surrounding residential context.

Threshold Alteration Standard (Subtitle E § 5201(b))

The Applicant's proposed work constitutes an alteration to an existing residential home within the meaning of Subtitle E § 5201(b). As reflected in the submitted plans and exhibits, the proposed work does not increase building height, building footprint, rear yard encroachment, lot occupancy, number of dwelling units, or residential intensity.

II. DESCRIPTION OF THE PROPERTY AND EXISTING CONDITIONS

The subject property is an existing three-story plus basement single-family row home located in the RF-1 zoning district. The lot contains approximately 3,707 square feet and is improved with a residential structure that has existed in substantially its current configuration for decades.

Historic plans, recorded plats, and stamped architectural drawings establish that the following long-standing conditions predate the adoption of the current Zoning Regulations:

- building footprint;
- rear yard configuration; and
- lot occupancy (approximately **64.46%**)

These conditions were not created by the Applicant and cannot be eliminated without removal or substantial alteration of the existing structure. As a result of unauthorized work performed by a prior contractor, the property became subject to a zoning raze determination requiring zoning authorization before permits may be issued to continue, repair, or alter the existing structure.

III. DESCRIPTION OF THE PROPOSED PROJECT

The proposed project consists of limited exterior alterations and does not include any increase in building height, building footprint, lot occupancy, number of dwelling units, residential density, or rear yard encroachment.

The scope of work is limited to:

- (1) installation of exterior cladding/siding, with the structure otherwise to remain unchanged; and
- (2) installation of a small front balcony in approximately the same location and plane as a previously existing architectural element that was removed without authorization by a prior contractor. The proposed front balcony is architecturally subordinate to the principal structure, does not increase height, bulk, or lot occupancy, does not project further into public space than historic conditions, and does not alter the use or intensity of the property.

No rear construction, enlargement, or modification is proposed, and the rear wall alignment, rear porch, and rear yard configuration remain unchanged.

IV. ZONING RELIEF REQUESTED AND APPLICABLE CODE SECTIONS

Pursuant to the DOB Referral Memorandum, the Applicant seeks the following relief:

A. Special Exceptions (Subtitle X § 901.2)

1. **Subtitle E § 207.4**, in conjunction with **Subtitle E § 5201(b)**
(rear wall / rear yard condition);
2. **Subtitle E §§ 204.1 and 204.4**
(front architectural projection).

B. Area Variance

3. **Subtitle E § 210.1**, evaluated pursuant to **Subtitle X §§ 1000.1 and 1002.1**
(maximum lot occupancy).

Each request is addressed individually below.

V. SPECIAL EXCEPTION ANALYSIS

A. Subtitle E § 207.4 / § 5201(b)

Rear Yard / Rear Wall Condition

The Department of Buildings identified Special Exception relief related to rear-wall measurements. The Applicant clarifies that no rear expansion or intensification is proposed. Relief is requested only to the extent necessary to permit the continuation and repair of an existing structure under the zoning raze posture.

§ 901.2 Analysis

Granting the requested relief will be in harmony with the intent of the Zoning Regulations, as it allows for the continued residential use of an existing row dwelling in the RF-1 zone and avoids unnecessary demolition, thereby supporting the stabilization of an established residential neighborhood. The proposed work does not increase building height, residential density, or occupancy and does not introduce adverse impacts related to light, air, or privacy. Further, the project will not create objectionable conditions, as it will not result in increased traffic, noise, or activity.

Conclusion – § 207.4 / § 5201(b)

Any relief granted pursuant to this section would be limited to the minimum zoning relief necessary to address the existing condition identified by the Department of Buildings and would not authorize any increase in rear massing, use, or intensity.

B. Subtitle E §§ 204.1 and 204.4

Front Architectural Element / Small Balcony

Special Exception relief is required to permit the installation of a small front balcony replacing a previously existing architectural element that was removed without authorization.

§ 901.2 Analysis

The proposed balcony is in harmony with the intent of the Zoning Regulations, as it is consistent with traditional rowhouse features historically found along the block and is compatible with the residential character of the RF-1 zone. The balcony does not increase building height, bulk, or projection beyond historic norms and does not impair neighboring properties' access to light, air, or privacy. Further, the use of the property will remain as a single-family dwelling, and the proposed improvement will not create objectionable conditions, as it does not generate additional traffic, noise, or density impacts.

Conclusion – §§ 204.1 / 204.4

The requested special exception is limited in scope and represents the minimum zoning relief necessary to permit a modest architectural element consistent with the character of the existing structure and surrounding residential context.

VI. AREA VARIANCE ANALYSIS

Subtitle E § 210.1

Evaluated Under Subtitle X §§ 1000.1 and 1002.1

Relief Requested

An Area Variance is requested from the maximum **60% lot occupancy** requirement. The existing lot occupancy of approximately **64.46%** is a long-standing condition reflected on the recorded plat and existing building configuration and is not increased by the proposed work.

Clarification Regarding DOB Notes and Computations

The Applicant respectfully notes that the Department of Buildings Notes and Computations table reports zoning metrics under the column labeled “Provided by Proposed Construction.” In this instance, that column reflects the building configuration as reviewed in connection with the permit application and zoning raise posture and does not indicate that additional lot coverage is being proposed. As documented by the recorded plat and existing-conditions drawings, the building footprint and resulting lot occupancy are long-standing conditions of the structure and are not increased by the proposed work. Apart from a limited front façade architectural element, the proposed scope does not alter the building footprint, rear yard configuration, height, bulk, or lot coverage.

Subtitle X § 1002.1 Analysis

The subject property is affected by exceptional conditions inherent to the land and existing structure, including historic lot dimensions, a long-standing building footprint, and a zoning raze posture that was not created by the Applicant but arose from historic development patterns and unauthorized work performed by a prior contractor. Strict application of the maximum lot occupancy requirement would require removal or substantial alteration of portions of the existing structure unrelated to the proposed work, thereby creating a practical difficulty and unnecessary hardship by preventing reasonable repair and continued residential use.

Granting the requested variance will not result in substantial detriment to the public good, as the proposed work does not increase building height, density, dwelling units, or neighborhood impacts, and will not impair the intent, purpose, or integrity of the Zoning Regulations. The relief requested is narrowly tailored to recognize an existing condition and represents the minimum variance necessary, authorizing no expansion or intensification of development.

Conclusion – § 210.1 / § 1002.1

The Applicant satisfies all criteria for an Area Variance.

VII. RECORD CLARIFICATION

For clarity of the record, the Applicant confirms that the proposed work does not include any increase in building height, building footprint, rear yard encroachment, lot occupancy, number of dwelling units, or residential intensity. No rear addition or expansion is proposed. The zoning relief requested is limited to addressing existing conditions and a modest front architectural element as reflected in the submitted plans and exhibits.

VIII. CONCLUSION

This application arises from existing nonconformities and a zoning raze determination and does not seek to intensify development or introduce or expand any nonconforming use. Granting the requested Special Exceptions and Area Variance will allow the lawful continuation of an existing single-family residence, address conditions associated with unauthorized third-party actions, permit limited and compatible exterior improvements, and advance the purpose and integrity of the Zoning Regulations. For these reasons, the Applicant has fully satisfied the burden of proof required under Subtitle X §§ 901.2 and 1002.1 and respectfully requests that the Board grant the application.